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24 **UNITED STATES DISTRICT COURT**
25 **CENTRAL DISTRICT OF CALIFORNIA**

26 NATIONAL FEDERATION OF THE
27 BLIND, RICK BOGGS, GERALDINE
28 CROOM, ROCHELLE HOUSTON,
and TINA THOMAS,

29 Plaintiffs,
30 v.

31 RIDECHARGE, INC.,
32 ADMINISTRATIVE SERVICES
33 COOPERATIVE, INC., LA TAXI
34 COOPERATIVE, INC., and SOUTH
35 BAY YELLOW CAB
36 COOPERATIVE, INC.,

37 Defendants.

38 **Case No. 2:14-cv-2490**

39 **FIRST AMENDED COMPLAINT**
40 **FOR VIOLATIONS OF THE**
41 **AMERICANS WITH**
42 **DISABILITIES ACT, 42 U.S.C. §**
43 **12181. *et seq.*, THE CALIFORNIA**
44 **UNRUH CIVIL RIGHTS ACT,**
45 **CALIFORNIA CIVIL CODE § 51 *et***
46 ***seq.*, AND CALIFORNIA**
47 **DISABLED PERSONS ACT,**
48 **CALIFORNIA CIVIL CODE §§ 54-**
49 **54.3**

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INTRODUCTION

Plaintiffs complain of Defendants and allege herein as follows:

1. The National Federation of the Blind (“NFB”) and four blind individuals seek to put an end to systemic civil rights violations committed by RideCharge, Inc. (“RideCharge”), Administrative Services Cooperative, Inc. (“ASC”), LA Taxi Cooperative, Inc. (“LA Taxi”), and South Bay Yellow Cab Cooperative, Inc. (“SBC”) (together “Defendants”) against blind persons who use taxis in Southern California.

2. Together, Defendants provide sighted taxicab riders throughout Southern California with self-service point-of-sale terminals (“self-service terminals”) that are inaccessible to blind riders. The self-service terminals utilize an entirely visual, touchscreen interface mounted on the back of the front passenger or driver seat that allows sighted taxicab riders to privately and independently review trip and fare information and privately pay fares and determine tip amounts without interacting with the driver. The terminals’ exclusively visual interface lacks accessibility features for blind riders, such as tactile controls and text-to-speech output. As a result, blind riders are unable to use Defendants’ self-service terminals at all.

3. When blind riders in taxicabs with Defendants' self-service terminals need to pay for their rides using credit cards, they must ask taxi drivers to orally describe trip and fare information without having any independent way to verify such information. Blind riders are also placed in the uncomfortable and coercive position of having to orally tell taxi drivers how much or what percentage tip to offer with no independent method of verifying the tip amounts that drivers actually enter. Additionally, because Defendants' self-service terminals are located in the backseat, drivers must park in a location where they can get out of the vehicles and enter the backseat to operate the self-service terminals for blind riders. This creates an awkward scenario where the passenger and driver are sharing the back seat. In addition, due to parking constraints, blind riders sometimes face delays or

1 are dropped off multiple blocks from their destinations, adding complexity and
2 potential safety hazards to the riders' commutes.

3 4. Taxicabs are a critical transportation option for many blind travelers in
4 Southern California. Many blind people travel independently using guide dogs or
5 canes. However, due to distances between destinations and the limitations of public
6 transportation and paratransit in the area, many blind persons must use taxicabs to
7 travel from one place to another. The fact that the self-service terminals are
8 inaccessible denies blind persons in Southern California full and equal access to
9 this critical mode of transportation.

10 5. Due to recent advances in automation and self-service shopping technology,
11 automated payment systems, such as Defendants' self-service terminals, have
12 become an increasingly prominent part of the way people purchase goods and
13 services. Such systems are now available in taxicabs in major cities throughout the
14 Country and are rapidly becoming the primary method taxicab operators use to
15 conduct transactions and interact with customers.

16 6. Other taxi payment system operators, including those who provide self-
17 service terminals for large fleets in New York City, Boston, and other large cities
18 provide terminals with accessibility features that allow blind riders to
19 independently operate backseat payment systems without relying on the driver or a
20 sighted companion. These terminals utilize "text-to-speech" technology that
21 translates the text displayed on a screen into audible, synthesized speech and
22 provide tactile controls that allow blind riders to make selections, including
23 selections involving payment and tip amounts, independently. This technology is
24 also widely available in ATMs, ticketing kiosks, mobile smart phones, and
25 personal computers.

26 7. Despite readily available technology that can make self-service terminals
27 independently operable by blind persons, Defendants have chosen to rely on an
28 exclusively visual interface. By failing to make the services offered by the self-

1 service terminals in ASC, SBC and LA Taxi taxicabs in Southern California
2 accessible to blind persons, Defendants are violating basic equal access
3 requirements under both state and federal law.

4 8. Congress provided a clear and national mandate for the elimination of
5 discrimination against individuals with disabilities when it enacted the Americans
6 with Disabilities Act. Such discrimination includes barriers to full integration,
7 independent living, and equal opportunity for persons with disabilities, including
8 those barriers created by inaccessible self-service terminals in places of public
9 accommodation, such as taxicabs. Similarly, California state law requires full and
10 equal access to all business establishments and places where the public is invited.

11 9. Plaintiffs, consisting of several blind individuals and the National Federation
12 of the Blind, attempted to resolve this matter without a lawsuit, but were unable to
13 obtain a commitment by Defendants to remedy these barriers to full and equal
14 access.

15 10. Plaintiffs use the terms “blind person” or “blind people” and “the blind” to
16 refer to all persons with visual impairments who meet the legal definition of
17 blindness in that they have central visual acuity no greater than 20/200 in the better
18 eye, with corrected lenses, as measured by the Snellen test, or visual acuity greater
19 than 20/200, but with a limitation in the field of vision such that the widest
20 diameter of the visual field subtends an angle not greater than 20 degrees. Some
21 blind people who meet this definition have limited vision. Others have no vision.

22

23 **JURISDICTION**

24 11. This Court has subject matter jurisdiction of this action pursuant to 28
25 U.S.C. § 1331 and 42 U.S.C. § 12188, for Plaintiffs’ claims arising under the
26 Americans with Disabilities Act, 42 U.S.C. §§ 12101, et seq.

27 12. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1337, over
28 Plaintiffs’ pendent claims under the California Unruh Civil Rights Act (California

1 Civil Code §§ 51, et seq.), and the Disabled Persons Act (California Civil Code §§
2 54-54.3).

3 **VENUE**

4 13. Venue is proper in the Central District pursuant to 28 U.S.C. §§ 1331(b)-(c).

5 14. Defendants ASC, LA Taxi, and SBC are registered to do business in
6 California. Defendants ASC, LA Taxi, SBC, and RideCharge have been doing
7 business in California, including the Central District of California. ASC owns
8 and/or operates several taxicab fleets in Southern California, doing business under
9 the names LA Yellow Cab, Fiesta Taxi, Long Beach Yellow Cab, South Bay
10 Yellow Cab, and United Checker Cab. ASC owns and/or operates approximately
11 1,200 taxicabs in the Central District. LA Taxi owns, leases, maintains, and/or
12 operates approximately 760 taxicabs in the Central District. SBC owns, leases,
13 maintains, and/or operates approximately 180 taxicabs in the Central District.
14 RideCharge owns, leases, maintains, and/or operates self-service terminals located
15 in at least 1600 taxicabs throughout California, most of which are in the Central
16 District. Defendants are subject to personal jurisdiction in this District.
17 Defendants have been and are committing the acts alleged herein in the Central
18 District of California, have been and are violating the rights of Plaintiffs in the
19 Central District of California, and have been and are causing injury to Plaintiffs in
20 the Central District of California. A substantial part of the acts and omissions
21 giving rise to Plaintiffs' claims have occurred in the Central District of California.
22 15. The individual Plaintiffs experienced injury in this District as a result of
23 Defendants' inaccessible, touch-screen self-service terminals in taxicabs owned,
24 operated, or leased by Defendants. Additionally, Plaintiff NFB has members and
25 chapters who have experienced injury in the Central District.

26 **PARTIES**

27 16. Plaintiff NFB, the oldest and largest national membership organization of
28 blind persons, is a non-profit corporation duly organized under the laws of the

1 District of Columbia with its principal place of business in Baltimore, Maryland. It
2 has affiliates in all 50 states, Washington, D.C., and Puerto Rico, including an
3 affiliate in California. The vast majority of its approximately 50,000 members are
4 blind persons who are recognized as a protected class under federal and state laws.
5 The NFB is widely recognized by the public, Congress, executive agencies of
6 government, and the courts as a collective and representative voice on behalf of
7 blind Americans and their families.

8 17. The purpose of the NFB is to promote the general welfare of the blind by (1)
9 assisting the blind in their efforts to integrate themselves into society on terms of
10 equality and (2) removing barriers and changing social attitudes, stereotypes, and
11 mistaken beliefs that sighted and blind persons hold concerning the limitations
12 created by blindness and that result in the denial of opportunity to blind persons in
13 virtually every sphere of life. The NFB and many of its members have long been
14 actively involved in promoting accessible technology for the blind, so that blind
15 persons can live and work independently in today's technology-dependent world.

16 18. NFB members reside throughout the United States, including California.
17 Many NFB members have encountered and will continue to encounter barriers due
18 to the inaccessible RideCharge self-service terminals at issue. The NFB sues on
19 behalf of its members as well as itself, in furtherance of its extensive efforts and
20 expenditure of resources in promoting two of its principal missions: independence
21 of the blind and equal access to technology for the blind. Defendants'
22 discriminatory use of inaccessible self-service terminals frustrates these missions
23 of the NFB and results in the diversion of its resources to address Defendants'
24 discriminatory practices.

25 18. Plaintiff Boggs is blind, a member of NFB, and a resident of Northridge,
26 California. Mr. Boggs works as an audio engineer and travels about three times per
27 week by taxicab for work. He regularly encounters Defendants' inaccessible
28 terminals. Mr. Boggs attempted to use a taxicab from LA Yellow Cab in

1 Northridge, California, on or about December 29, 2013. Because the inaccessible
2 self-service terminal did not offer a non-visual means of operation, Mr. Boggs was
3 unable to read ride information, select a tip, and pay for the trip independently and
4 privately. When it came time for Mr. Boggs to pay for his ride, the driver was
5 reluctant to assist Mr. Boggs with the self-service terminal. Mr. Boggs had to get
6 out of the car and call the taxi company from his office. He experienced a delay of
7 approximately thirty minutes attempting to pay for his ride. Mr. Boggs often
8 experiences delays attempting to pay by credit card in taxicabs with Defendants'
9 self-service terminals.

10 19. Plaintiff Thomas is blind, a member of NFB, and a resident of Los Angeles,
11 California. Ms. Thomas uses taxicabs frequently and has encountered inaccessible
12 RideCharge self-service terminals on multiple occasions, including on a trip in an
13 LA Yellow Cab in Los Angeles on or about October 10, 2013, on a trip in a United
14 Checker Cab from Los Angeles to Hawthorne on or about November 26, 2013, and
15 on a trip in a Long Beach Yellow Cab from Long Beach to Los Angeles on or
16 about December 1, 2013. On each of those occasions, because the inaccessible
17 touch-screen RideCharge self-service terminal did not offer a non-visual means of
18 operation, Ms. Thomas was unable to read ride information, select a tip, and pay
19 for the trip independently and privately. She had to rely on the driver to provide
20 trip and fare information and enter the tip amounts with no independent way of
21 verifying that information. Also, on each of those occasions, Ms. Thomas was
22 delayed while the driver found a place to park, entered the backseat of the vehicle,
23 and attempted to figure out how to use the touchscreen on her behalf.

24 20. Plaintiff Houston is blind, a member of NFB, and a resident of Los Angeles,
25 California. Ms. Houston regularly encounters Defendants' inaccessible self-
26 service terminals. Ms. Houston attempted to use a taxicab from South Bay Yellow
27 Cab on or about October 2, 2013, when traveling from Torrance to Los Angeles,
28 California. However, because the inaccessible self-service terminal in the taxicab

1 did not offer a non-visual means of operation, Ms. Houston was unable to read ride
2 information, select a tip, and pay for the trip independently and privately. She had
3 to seek the assistance of the driver to use the self-service terminal. Ms. Houston
4 also encountered the above barriers in a Fiesta Taxi cab on or about November 19,
5 2013, when traveling in Norwalk, California, and again had to rely on the driver
6 for trip and fare information and to enter her tip amount, without any independent
7 method of verifying the information or the tip amount entered by the driver. On
8 one occasion when Ms. Houston attempted to use the inaccessible self-service
9 terminal to pay for her ride, the driver was unable to locate parking near her
10 destination and ended up dropping Ms. Houston off a few blocks from her
11 destination at a location where he could park the vehicle, get out of the car, and
12 enter the backseat to input her payment and tip information. Ms. Houston then had
13 to seek the assistance of the driver to walk her to her destination safely.

14 21. Plaintiff Croom is blind, a member of NFB, and a resident of Los Angeles,
15 California. She regularly encounters Defendants' inaccessible self-service
16 terminals while traveling. Ms. Croom attempted to use a taxicab from LA Yellow
17 Cab on or about September 23, 2013, when traveling in Los Angeles, California.
18 However, because the inaccessible self-service terminal did not offer a non-visual
19 means of operation, Ms. Croom was unable to read ride information, select a tip,
20 and pay for the trip independently and privately. She had to seek the assistance of a
21 third party to use the self-service terminal.

22 22. Defendant RideCharge is a Delaware corporation doing business as Taxi
23 Magic. RideCharge owns, operates, and/or maintains Taxi Magic Passenger
24 Information Monitors (described herein as self-service terminals) used in at least
25 one thousand six hundred (1600) taxicabs operated by ASC, LA Taxi, and SBC in
26 Southern California. Upon information and belief, RideCharge collects a fee for
27 each credit card transaction that is processed on the self-service terminals and
28 shares in advertising revenue generated from the content displayed on the device.

1 Plaintiffs seek full and equal access to the accommodations, advantages, facilities,
2 privileges, and services provided by RideCharge through its numerous self-service
3 terminals throughout California.

4 23. Defendant ASC is a California-based entity. ASC is the largest taxi business
5 in Los Angeles, and ASC owns, operates, and/or maintains taxicabs doing business
6 under the names: LA Yellow Cab, South Bay Yellow Cab, United Checker Cab,
7 Long Beach Yellow Cab, and Fiesta Taxi. ASC has around one thousand two
8 hundred (1200) taxicabs in Southern California. Upon information and belief,
9 ASC offers sighted riders the ability to privately and independently access trip
10 information and pay for their rides using self-service terminals in all of its taxicabs.
11 Blind riders are unable to privately and independently access trip information and
12 pay for their rides in any of ASC's taxicabs because all of the self-service
13 terminals in ASC's taxicabs are inaccessible to blind riders. Plaintiffs seek full and
14 equal access to the accommodations, advantages, facilities, privileges, and services
15 provided by ASC at its numerous taxicabs throughout Southern California.

16 24. Defendant LA Taxi is a California-based entity. LA Taxi does business as
17 LA Yellow Cab and has around seven hundred sixty (760) taxicabs in Southern
18 California. Upon information and belief, all of these taxicabs offer riders the
19 services of the self-service terminals, which are inaccessible to blind riders.
20 Plaintiffs seek full and equal access to the accommodations, advantages, facilities,
21 privileges, and services provided by LA Taxi at its numerous taxicabs in Southern
22 California.

23 25. Defendant SBC is a California-based entity. SBC does business as South
24 Bay Yellow Cab and/or United Checker Cab. SBC has around one hundred eighty
25 (180) taxicabs throughout Southern California. Upon information and belief, all of
26 these taxicabs offer riders the services of the self-service terminals, which are
27 inaccessible to blind riders. Plaintiffs seek full and equal access to the

28

1 accommodations, advantages, facilities, privileges, and services provided by SBC
2 at its numerous taxicabs throughout Southern California.

3 **FACTUAL ALLEGATIONS**

4 26. Defendants' self-service terminals are touchscreen devices that are typically
5 mounted just behind the front passenger or driver seats of taxis in Southern
6 California, including the ASC, LA Taxi and SBC taxicabs. The devices feature
7 audio speakers, internet connectivity, a double-sided, magnetic credit-card swipe,
8 and a video touchscreen monitor. The self-service terminals allow sighted riders to
9 privately and independently verify their fares, select tip amounts, and pay for their
10 rides using commands on the touchscreen without ever interacting with the driver.
11 The self-service terminals also provide sighted passengers with trip information
12 during rides, such as information about the driver and the local taxi authority, as
13 well as other features and entertainment content.

14 27. Defendants offer the services of the self-service terminals in the majority of
15 taxicabs throughout Southern California, including taxicabs owned, leased,
16 operated, and/or maintained by ASC, LA Taxi, and SBC.

17 28. Defendants' self-service terminals require riders to utilize an exclusively
18 visual user interface. To use the terminals, riders must visually identify and
19 interact with command icons on the screen without the aid of any adaptive
20 features, such as text-to-speech output or tactile controls. As a result, all of the
21 services, privileges, advantages, and accommodations that Defendants offer at the
22 self-service terminals are only available to sighted riders and are completely
23 inaccessible to blind riders.

24 29. Defendant ASC provides the self-service terminals as accommodations,
25 advantages, facilities, privileges, and services of its taxicabs throughout Southern
26 California.

27

28

1 30. Defendant LA Taxi provides the self-service terminals as accommodations,
2 advantages, facilities, privileges, and services of its taxicabs throughout Southern
3 California.

4 31. Defendant SBC provides the self-service terminals as accommodations,
5 advantages, facilities, privileges, and services of its taxicabs throughout Southern
6 California.

7 32. Sighted customers who use the self-service terminals in ASC, LA Taxi, and
8 SBC taxicabs have access to a variety of services, privileges, advantages, and
9 accommodations including the following:

- 10 • Reviewing trip fare and charges privately and independently;
- 11 • Browsing and selecting tip options privately and independently;
- 12 • Paying for rides with a credit card privately and independently;
- 13 • Reviewing other trip and entertainment information available on the
14 touchscreen independently; and
- 15 • Controlling media playback options privately and independently.

16 33. In contrast, blind riders must seek the assistance of the driver or other third
17 parties to use Defendants' self-service terminals at all. Indeed, for blind riders, the
18 self-service aspect of the service, its primary benefit, is lost. Blind riders have no
19 independent access to trip and fare information. Blind riders in vehicles with the
20 self-service terminals must rely entirely on drivers or other third parties to convey
21 fare information and enter tip amounts without any independent method of
22 verifying such amounts. To pay with a credit card, blind riders must wait for the
23 driver to park the taxicab in a location where the driver can safely get out of the
24 vehicle and enter the backseat to utilize the touchscreen to input the blind riders'
25 selections for payment and trip information, often resulting in drivers dropping off
26 blind riders further away from their destinations than necessary.

27 34. Moreover, information and services available exclusively during a ride are
28 not even available with assistance from the driver because the driver cannot safely

1 drive the vehicle and simultaneously assist the passenger by operating the terminal
2 in the back seat.

3 35. Technology exists to make the self-service terminals accessible to blind
4 customers, and this technology is already in use by other taxicab companies and at
5 automated bank teller machines throughout California. This technology includes
6 the use of text-to-speech-based audio output and tactile controls.

7 36. Defendant RideCharge has long been aware of means by which its existing
8 self-service terminals could be made accessible to blind individuals. Nevertheless,
9 RideCharge has refused to make its self-service terminals accessible.

10 37. Defendant ASC has long been aware of means by which ride information
11 and payment services can be made accessible to blind persons. Nevertheless, ASC
12 has refused to provide accessible ride information and payment services in its
13 taxicabs.

14 38. Defendant LA Taxi has long been aware of means by which ride information
15 and payment services can be made accessible to blind persons. Nevertheless, LA
16 Taxi has refused to provide accessible ride information and payment services in its
17 taxicabs.

18 39. Defendant SBC has long been aware of means by which ride information
19 and payment services can be made accessible to blind persons. Nevertheless, SBC
20 has refused to provide accessible ride information and payment services in its
21 taxicabs.

22 40. Defendants RideCharge, ASC, LA Taxi, and SBC thus provide
23 accommodations, advantages, privileges, and services that contain access barriers
24 for blind riders. These barriers deny full and equal access to Plaintiffs, who would
25 otherwise fully and equally enjoy the benefits and services of the self-service
26 terminals and ASC, LA Taxi, and SBC taxicabs.

27 41. On January 13, 2014, Plaintiffs notified Defendants of the unlawful
28 accessibility barriers at RideCharge' self-service terminals, ASC's taxicabs, LA

1 Taxi's taxicabs, and SBC's taxicabs. Plaintiffs requested that Defendants commit
 2 to make their services accessible as required under current law. Defendants have
 3 failed and refused to make such a commitment.

4 **FIRST CAUSE OF ACTION**

5 **Violation of Title III of the Americans with Disabilities Act**

6 **(42 U.S.C. § 12181 et seq.)**

7 42. Plaintiffs incorporate herein by reference the foregoing allegations.
 8 43. Section 302(a) of Title III of the Americans with Disabilities Act of 1990, 42
 9 U.S.C. §§ 12101 *et seq.*, provides:

10 No individual shall be discriminated against on the basis of disability
 11 in the full and equal enjoyment of the goods, services, facilities,
 12 privileges, advantages, or accommodations of any place of public
 13 accommodation by any person who owns, leases (or leases to), or
 14 operates a place of public accommodation.

15 44. The individual Plaintiffs and Plaintiff NFB's blind members are qualified
 16 individuals with disabilities within the meaning of Title III of the ADA.

17 45. The self-service terminals in vehicles owned, operated, and/or leased by
 18 ASC, LA Taxi, and SBC are service establishments providing riders with credit
 19 card payment services, trip and entertainment information, and other services and
 20 are therefore places of public accommodation within the definition of Title III of
 21 the ADA. 42 U.S.C. §§12181(E) and (F).

22 46. Defendant RideCharge owns, leases, and/or operates the self-service
 23 terminals.

24 47. Defendants ASC, LA Taxi and SBC own, operate, and or lease ASC
 25 taxicabs, LA Taxi taxicabs, and SBC taxicabs. The taxicabs owned, operated
 26 and/or leased by ASC, LA Taxi, and SBC's taxicabs are places of public
 27 accommodation within the meaning of Title III of the ADA. 42 U.S.C. §§
 28 12181(10); 12184 (a); 28 C.F.R. § 36.104. With the exception of modifications to

1 taxicabs for the purpose of wheelchair accessibility, all of the antidiscrimination
2 provisions of Title III of the ADA apply to the goods, services, facilities,
3 privileges, advantages, and accommodations of taxicabs.

4 48. The self-service terminals in the taxicabs owned, operated, and/or leased by
5 ASC, LA Taxi, and SBC are services, facilities, privileges, advantages, and
6 accommodations of those taxicabs and are therefore subject to the
7 antidiscrimination protections of Title III of the ADA.

8 49. Title III prohibits any person who owns, leases, or operates a place of public
9 accommodation from excluding, on the basis of disability, an individual with a
10 disability or a class of individuals with disabilities from participating in or
11 benefiting from the goods, services, facilities, privileges, advantages, or
12 accommodations of public accommodations or otherwise discriminating against a
13 person on the basis of disability. 42 U.S.C. § 12182(b)(1)(A)(i).

14 50. Under Title III, it is also unlawful for places of public accommodation to
15 afford, on the basis of disability, an individual or class of individuals with
16 disabilities with an opportunity to participate in or benefit from a good, service,
17 facility, privilege, advantage, or accommodation that is not equal to that afforded
18 other individuals. 42 U.S.C. § 12182(b)(1)(A)(ii).

19 51. Title III further prohibits places of public accommodation providing, on the
20 basis of disability, an individual or class of individuals with a good, service,
21 facility, privilege, advantage, or accommodation that is different or separate from
22 that provided to other individuals. 42 U.S.C. § 12182(b)(1)(A)(iii).

23 52. It is a violation of Title III for places of public accommodation to fail to
24 make reasonable modifications in policies, practices, or procedures, when such
25 modifications are necessary to afford such goods, services, facilities, privileges,
26 advantages, or accommodations to individuals with disabilities, unless the entity
27 can demonstrate that making such modifications would fundamentally alter the
28 nature of such goods, services, facilities, privileges, advantages, or

1 accommodations. 42 U.S.C. §§ 12182(b)(2)(a)(ii); 12184(b)(2)(A); 28 C.F.R. §
2 36.302(a).

3 53. Furthermore, it is a violation of Title III for a covered entity to fail to take
4 steps that are necessary to ensure that no individual with a disability is excluded,
5 denied services, segregated, or otherwise treated differently than other individuals
6 because of the absence of auxiliary aids and services, unless the entity can
7 demonstrate that taking such steps would fundamentally alter the nature of the
8 good, service, facility, privilege, advantage, or accommodation being offered or
9 would result in an undue burden. 42 U.S.C. §§ 12182(b)(2)(a)(iii); 12184(b)(2)(B);
10 28 C.F.R. § 36.303. The regulations implementing Title III define auxiliary aids
11 and services in part as accessible electronic and information technology and
12 acquisition or modification of equipment or devices. 28 C.F.R. § 36.303(b)(2) -
13 (3).

14 54. The Title III regulations also prohibit failing to furnish appropriate auxiliary
15 aids and services where necessary to ensure effective communication with
16 individuals with disabilities. 28 C.F.R. 36.303(c)(1). To be effective, auxiliary aids
17 and services must be provided in accessible formats, in a timely manner, and in
18 such a way as to protect the privacy and independence of the individual with a
19 disability. 28 C.F.R. § 36.303(c)(1)(ii).

20 55. Title III regulations further prohibit private entities providing taxi services
21 from discriminating by refusing to provide taxi services to people with disabilities
22 who can physically access taxi vehicles. 42 U.S.C. § 12184(b)(4)(B); 49 C.F.R. §
23 37.29(c).

24 56. By requiring blind riders to seek assistance from third parties, including taxi
25 drivers, with accessing services at the self-service terminals, Defendants fail to
26 protect the privacy and independence of Plaintiffs and deny Plaintiffs access to the
27 benefits of the self-service terminals, including, among others, the ability to pay for
28 taxicab rides independently, the ability to monitor taxicab trips using the terminals'

1 touchscreens, and the ability to privately and independently determine and enter tip
2 amounts, without the oversight or interference of the taxi drivers or other third
3 parties. Defendants therefore violate Title III of the ADA by denying Plaintiffs full
4 and equal access to the services, facilities, privileges, advantages, and
5 accommodations of the self-service terminals in ASC's taxicabs, SBC's taxicabs,
6 and LA Taxi's taxicabs.

7 57. Defendants also have and continue to violate Title III of the ADA by failing
8 to make reasonable modifications in policies, practices, or procedures that would
9 allow Plaintiffs to utilize the self-service terminals and access the services of the
10 self-service terminals independently in the same way that sighted passengers do.

11 58. In addition, by failing to provide non-visual access features at the self-
12 service terminals that would allow Plaintiffs to use the services of the self-service
13 terminals independently as sighted riders currently do in Defendants' taxicabs,
14 Defendants have violated the ADA by failing to take steps to ensure that Plaintiffs
15 are not excluded, denied services, segregated, or otherwise treated differently than
16 other individuals because of the absence of auxiliary aids and services.

17 59. Moreover, by failing to provide non-visual access to the self-service
18 terminals, Defendants fail to furnish appropriate auxiliary aids and services
19 necessary to ensure effective communication with Plaintiffs in violation of Title III
20 of the ADA.

21 60. Defendants ASC, SBC, and LA Taxi further violate Title III of the ADA by
22 refusing to provide taxi services, including the services of the self-service
23 terminals, to Plaintiffs who can physically access taxi vehicles.

24 61. The actions of Defendants were and are in violation of the Americans with
25 Disabilities Act, 42 U.S.C. §§ 12181, et seq., and regulations promulgated
26 thereunder. Defendants have failed to take any equitable steps to remedy their
27 discriminatory conduct, and Defendants' violations of the ADA are ongoing.

28

DISABILITY RIGHTS ADVOCATES
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1 Unless the Court enjoins Defendants from continuing to engage in these unlawful
2 practices, Plaintiffs will continue to suffer irreparable harm.

3 62. Plaintiffs are entitled to injunctive relief. 42 U.S.C. § 12888.

4 WHEREFORE, Plaintiffs pray for relief as set forth below.

5 **SECOND CAUSE OF ACTION**

6 **Violation of the California Unruh Civil Rights Act**
7 **(California Civil Code §§ 51 and 52)**

8 63. Plaintiffs incorporate herein by reference the foregoing allegations.

9 64. The Unruh Act guarantees, *inter alia*, that persons with disabilities are
10 entitled to full and equal accommodations, advantages, facilities, privileges, or
11 services in all business establishments of every kind whatsoever within the
12 jurisdiction of the state of California. Cal. Civ. Code § 51(b).

13 65. The self-service terminals, ASC's taxicabs, SBC's taxicabs, and LA Taxi's
14 taxicabs are business establishments within the jurisdiction of the state of
15 California, and as such are obligated to comply with the provisions of the
16 California Unruh Civil Rights Act, California Civil Code §§ 51 *et seq.*

17 66. The Unruh Act provides, *inter alia*, that a violation of the ADA, §§ 12101 *et*
18 *seq.*, also constitutes a violation of the Unruh Act. Cal. Civ. Code § 51(f).

19 67. Defendant's discriminatory conduct alleged herein includes, *inter alia*, the
20 violation of the rights of persons with disabilities set forth in Title III of the ADA
21 and therefore also violates the Unruh Act. California Civil Code § 51(f).

22 68. The actions of Defendants were and are in violation of the Unruh Civil
23 Rights Act, California Civil Code §§ 51, *et seq.*, and therefore Plaintiffs are
24 entitled to injunctive relief remedying the discrimination pursuant to California
25 Civil Code §52. Unless the Court enjoins Defendants from continuing to engage in
26 these unlawful practices, Plaintiffs will continue to suffer irreparable harm.

27

28

1 69. The individual named Plaintiffs are also entitled to statutory minimum
2 damages pursuant to California Civil Code § 52 for each and every offense in
3 violation of the Unruh Act. Cal. Civ. Code § 52(b).

4 || WHEREFORE, Plaintiffs pray for relief as set forth below.

THIRD CAUSE OF ACTION

Violation of the California Disabled Persons Act

(California Civil Code §§ 54- 54.3 and §54.9)

8 | 70. Plaintiffs incorporate herein by reference the foregoing allegations.

9 71. California Civil Code §§ 54-54.3 guarantee, inter alia, that persons with
10 disabilities are entitled to full and equal access, as other members of the general
11 public, to accommodations, advantages, facilities, and privileges of all “common
12 carriers,” “motor vehicles,” “places of public accommodation” and “other places to
13 which the general public is invited” within the jurisdiction of California. Cal. Civ.
14 Code § 54.1(a)(1).

15 72. Defendants' self-service terminals are "places of public accommodation" or
16 "other places to which the general public is invited" under California Civil Code
17 §54.1(a)(1).

18 73. Defendants are violating the rights of Plaintiffs to full and equal access to
19 places of public accommodations and places to which the general public is invited
20 under California Civil Code §§ 54-54.3 by denying Plaintiffs full and equal access
21 to the accommodations, advantages, facilities, and privileges of the self-service
22 terminals.

23 74. ASC's taxicabs, SBC's taxicabs, and LA Taxi's taxicabs are "common
24 carriers," "motor vehicles," "places of public accommodation" or "other places to
25 which the general public is invited" under California Civil Code §54.1(a)(1).

26 75. Defendants are violating the rights of Plaintiffs to full and equal access to
27 common carriers, motor vehicles, places of public accommodation or other places
28 to which the general public is invited under California Civil Code §§54-54.3 by

1 denying Plaintiffs full and equal access to the accommodations, advantages,
2 facilities, and privileges of ASC taxicabs, SBC taxicabs, and LA Taxi taxicabs.

3 76. Defendants are also violating California Civil Code §§ 54-54.3 in that their
4 actions are a violation of the ADA. Any violation of the ADA is also a violation of
5 California Civil Code § 54.1. Cal. Civ. Code § 54.1(d).

6 77. Defendant RideCharge is also a manufacturer or distributor of touch screen
7 devices used for self-service check-in at a facility providing passenger
8 transportation services under California Civil Code § 54.9. Defendant RideCharge
9 is in violation of California Civil Code § 54.9 because it fails to offer its
10 touchscreen self-service terminals with the necessary technology for Plaintiffs to
11 privately and independently enter personal information needed to process
12 transactions.

13 78. The individual named Plaintiffs are entitled to statutory minimum damages
14 for each violation of. Cal. Civ. Code §§ 54-54.3(a).

15 79. Plaintiffs do not seek relief under California Civil Code § 55.

16 WHEREFORE, Plaintiffs pray for relief as set forth below.

17 **FOURTH CAUSE OF ACTION**

18 (Declaratory Relief on behalf of Plaintiffs)

19 80. Plaintiffs incorporate by reference the foregoing allegations as if set forth
20 fully herein.

21 81. An actual controversy has arisen and now exists between the parties in that
22 Plaintiffs contend, and are informed and believe that Defendants deny that by
23 providing inaccessible services, privileges, and accommodations at self-service
24 terminals at taxis in California, Defendants fail to comply with applicable laws,
25 including but not limited to Title III of the Americans with Disabilities Act, 42
26 U.S.C. §§ 12181, *et seq.*, California Civil Code §§ 51 - 52, and California Civil
27 Code §§ 54-54.3 and §54.9.

28

1 82. A judicial declaration is necessary and appropriate at this time in order that
2 each of the parties may know their respective rights and duties and act accordingly.
3 WHEREFORE, Plaintiffs request relief as set forth below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment as follows:

6 83. A permanent injunction to prohibit Defendants and their employees, agents,
7 and any and all other persons acting on Defendants' behalf or under Defendants'
8 control from violating the Americans with Disabilities Act, 42 U.S.C. §§ 12181, *et*
9 *seq.*, and the Unruh Act, Cal. Civ. Code §§ 51 - 52 due to inaccessible self -service
10 terminals in taxis in California;

11 84. A permanent injunction pursuant to the Americans with Disabilities Act, 42
12 U.S.C. §§ 12181, *et seq.*, and the Unruh Act, Cal. Civ. Code §§ 51 – 52, requiring
13 Defendants to take the steps necessary to make the services, facilities, privileges,
14 advantages, and accommodations they provide at self-service terminals in taxis in
15 California, including ASC taxicabs, SBC taxicabs and LA Taxi taxicabs, fully
16 accessible to and independently usable by Plaintiffs;

17 85. A declaration that Defendants discriminate against Plaintiffs by failing to
18 provide Plaintiffs with full and equal access to the services, facilities, privileges,
19 advantages, and accommodations of the self-service terminals in taxis in
20 California, including ASC taxicabs, SBC taxicabs, and LA Taxi taxicabs, in
21 violation of Title III of the ADA, California Civil Code §§ 54- 54.3 and § 54.9, and
22 California's Unruh Act, California Civil Code §§ 51 – 52.

23 86. Damages in an amount to be determined by proof, including all applicable
24 statutory damages pursuant to Cal. Civ. Code § 52(a) or Cal. Civ. Code § 54.3.

25 87. An order awarding Plaintiffs reasonable attorneys' fees and costs, as
26 authorized by 42 U.S.C. § 12188, Cal. Civ. Code § 52 and Cal. Civ. Code § 54.3;
27 and

28 || 88. For such other and further relief as the Court deems just and proper.

1 DATED: September 9, 2014
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DISABILITY RIGHTS ADVOCATES
LA BARRE LAW OFFICES
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